

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE CONTROL BOARD
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 MEETING

IN THE MATTER OF:

H&Y Chun Corporation	
t/a Michigan Liquors	Show
3934 12th Street, NE	Cause
Retailer A - ANC-5B	Hearing
License No. 23640	
Case #15-CC-00005	

(Sale to Minor Violation (4
 Counts), Failed to Take Steps
 Necessary to Ascertain Legal
 Drinking Age (3 Counts),
 Allowed the Establishment to be
 Used for an Unlawful or
 Disorderly Purpose)

July 15, 2015

The Alcoholic Beverage Control Board
 met in the Alcoholic Beverage Control Hearing
 Room, Reeves Building, 2000 14th Street, N.W.,
 Suite 400S, Washington, D.C. 20009, Chairperson
 Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
 NICK ALBERTI, Member
 DONALD BROOKS, Member
 MIKE SILVERSTEIN, Member
 HECTOR RODRIGUEZ, Member
 JAMES SHORT, Member

ALSO PRESENT:

FERNANDO RIVERO, OAG
 KOFI APRAKU, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Kofi Apraku	11	32	55	
Heung Won Chun	59			
John Yi	62			

EXHIBITS	IDENTIFIED	RECEIVED
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GOVERNMENT		
1 - Apraku ROI	21	21

1 P-R-O-C-E-E-D-I-N-G-S

2 10:20 a.m.

3 CHAIRPERSON MILLER: Okay. That takes
4 us to our 10:00 Show Cause Hearing, Case No. 15-
5 CC-00005, Michigan Liquors, 3934 12th Street,
6 N.E., License No. 23640, in ANC-5B.

7 MR. RIVERO: Good morning, Board
8 Members. Fernando Rivero for the District of
9 Columbia.

10 CHAIRPERSON MILLER: Good morning.
11 When you are ready, would you introduce
12 yourselves for the record?

13 MR. CHUN: My name is Heung Won Chun,
14 owner of Michigan Liquor store.

15 MR. YI: My name is John Yi. I'm the
16 manager at Michigan Liquor store.

17 CHAIRPERSON MILLER: Okay. And we
18 have an interpreter also. I already swore you
19 in, right?

20 INTERPRETER YANG: Correct.

21 CHAIRPERSON MILLER: Yes. So you are
22 sworn in for the morning.

1 INTERPRETER YANG: I'm still under
2 oath.

3 CHAIRPERSON MILLER: Yes. Okay. But
4 your name is Mr.?

5 INTERPRETER YANG: Sung Yang.

6 CHAIRPERSON MILLER: Sung Yang, okay.
7 Okay. So this is a Show Cause Hearing. Are
8 there any preliminary matters?

9 MR. RIVERO: There are no preliminary
10 matters. The Government is ready for Show Cause
11 Hearing. We have one witness with us today.

12 CHAIRPERSON MILLER: Okay. And I want
13 to ask the applicant, are you familiar with the
14 Show Cause proceedings?

15 MR. CHUN: This is my first time for
16 this case.

17 CHAIRPERSON MILLER: First? Okay. Is
18 it your first time for a Show Cause Hearing?

19 MR. CHUN: Most people I deal on the
20 case be here, but this case is the first time.

21 CHAIRPERSON MILLER: Okay. Well, it's
22 the same process.

1 MR. CHUN: I understand.

2 CHAIRPERSON MILLER: Okay. I just
3 want to make sure you --

4 MR. CHUN: Okay.

5 CHAIRPERSON MILLER: -- understood the
6 process. If you have any questions about the
7 process, let me know. You know, the Government
8 has the burden of proof. They go first with the
9 evidence and then you go second, basically.

10 MR. CHUN: Yes, ma'am.

11 CHAIRPERSON MILLER: Okay. Good. All
12 right. Let's start though with opening
13 statements.

14 MR. RIVERO: Thank you. Good morning,
15 Board Members. We are here today on the Show
16 Cause Matter of H&Y Chun Corporation t/a Michigan
17 Liquors located in 3934 12th Street, N.E.

18 The Show Cause Notice issued in this
19 matter concerns the charges that the licensee
20 permitted in four instances the sale of an
21 alcoholic beverage to a person under the age of
22 21 in violation of D.C. Code 25-781; failed in

1 three instances to take steps that are reasonably
2 necessary to ascertain whether any person to whom
3 alcoholic beverages are sold is of the legal
4 drinking age in violation of D.C. Official Code
5 25-783; and permitted the establishment to be
6 used for an unlawful purpose in violation of 25-
7 723(2).

8 It is our belief that a preponderance
9 of the evidence based on Investigator Apraku's
10 testimony and report will show that on December
11 11, 2014, the licensee permitted the sale of
12 alcoholic beverages to four persons under the age
13 of 21, with evidence showing that as to three of
14 those persons, steps taken to ascertain their age
15 were not reasonable or were insufficient.

16 This method of operation based on lax
17 measures allowed the establishment to be used for
18 an unlawful purpose, namely regular sales of
19 alcoholic beverages to minors. Thank you.

20 CHAIRPERSON MILLER: Okay. The
21 applicant has an opportunity to make an opening.

22 INTERPRETER YANG: I have a question.

1 CHAIRPERSON MILLER: Oh, you have a
2 question?

3 INTERPRETER YANG: Yes.

4 CHAIRPERSON MILLER: Okay.

5 INTERPRETER YANG: He has indicated
6 that he understands English well enough to --

7 CHAIRPERSON MILLER: Oh.

8 INTERPRETER YANG: -- respond.

9 CHAIRPERSON MILLER: Okay.

10 INTERPRETER YANG: So I was wondering
11 if I am needed.

12 CHAIRPERSON MILLER: If you are
13 needed. Okay. Let me get him on the record to
14 say that. Okay?

15 MR. CHUN: Yes, I understand what he
16 said. And we understand.

17 CHAIRPERSON MILLER: Okay. And you
18 don't want the services of an Interpreter?

19 MR. CHUN: No.

20 CHAIRPERSON MILLER: Okay. Go ahead.

21 MR. RIVERO: The Government is going
22 to lodge an objection, at this time.

1 CHAIRPERSON MILLER: Okay.

2 MR. RIVERO: Since I have been down
3 this road before.

4 CHAIRPERSON MILLER: Okay.

5 MR. RIVERO: And some Board Members
6 may remember that.

7 CHAIRPERSON MILLER: Okay.

8 MR. RIVERO: So while the licensee
9 does not want the services of the Interpreter, I
10 would like the Interpreter to remain in the room,
11 such that the record will show that at all times
12 during this hearing, the licensee had the
13 opportunity, but chose not to avail himself to an
14 Interpreter who was an arm's length away.

15 CHAIRPERSON MILLER: Okay. That
16 sounds reasonable, since the applicant is not
17 paying for the Interpreter anyway.

18 MR. RIVERO: Sorry about that.

19 CHAIRPERSON MILLER: So you can stay
20 and then --

21 MR. RIVERO: I'm doing this again.

22 CHAIRPERSON MILLER: -- he may change

1 his mind if he has a question, he could ask you.

2 INTERPRETER YANG: Yes.

3 CHAIRPERSON MILLER: But otherwise, I
4 understand you won't be translating, right?

5 INTERPRETER YANG: Yes.

6 CHAIRPERSON MILLER: Is that it as we
7 go along?

8 INTERPRETER YANG: Yes.

9 CHAIRPERSON MILLER: Okay. Any other
10 questions from Board Members? Okay. We are
11 clear on that? We are clear on that?

12 MR. CHUN: Yes.

13 CHAIRPERSON MILLER: Okay.

14 MR. CHUN: Yes.

15 CHAIRPERSON MILLER: Okay. So the
16 Interpreter will stay and in the event that there
17 is a question, he is here, but will not be
18 translating as we go along. Okay.

19 Does the applicant wish to make an
20 opening statement now or else you can wait until
21 when you present your case, if at all.

22 CHAIRPERSON MILLER: I guess I have to

1 note for the record that the applicant is
2 consulting the Interpreter. Yes, okay. So it's
3 good he stayed. Yes?

4 MR. CHUN: So I can statement what I
5 wanted right now or --

6 CHAIRPERSON MILLER: Okay. So now is
7 not the time to put on your testimony or your
8 evidence, that goes after the Government's case.
9 Sometimes it is optional, like Mr. Rivero just
10 did what's called an opening statement where you
11 describe what the case is going to be, but you
12 don't need to do that, that's just optional.
13 That's not -- not the time for your testimony
14 though.

15 MR. CHUN: Yes. Yes, ma'am.

16 CHAIRPERSON MILLER: Do you wish to
17 say anything now or would you wait for your case?

18 INTERPRETER YANG: He is just going to
19 wait.

20 CHAIRPERSON MILLER: I think that's a
21 good idea. Okay. All right. Mr. Rivero, first
22 witness, ready?

1 MR. RIVERO: Thank you. The
2 Government will call Investigator Apraku to the
3 stand, please.

4 CHAIRPERSON MILLER: Okay. Good
5 morning.

6 INVESTIGATOR APRAKU: Good morning.
7 Whereupon,

8 INVESTIGATOR KOFI APRAKU
9 was called as a witness by Counsel for the
10 Government, and having been first duly sworn,
11 assumed the witness stand and was examined and
12 testified as follows:

13 INVESTIGATOR APRAKU: I do.

14 CHAIRPERSON MILLER: All right. Thank
15 you.

16 DIRECT EXAMINATION

17 MR. RIVERO: Good morning. Please,
18 state your name for the record.

19 INVESTIGATOR APRAKU: My name is Kofi
20 Apraku. Last name is spelled A-P-R-A-K-U.

21 MR. RIVERO: And your first name?

22 INVESTIGATOR APRAKU: K-O-F-I.

1 MR. RIVERO: Thank you. And what is
2 your occupation, Mr. Apraku?

3 INVESTIGATOR APRAKU: I am an
4 Investigator for the Alcoholic Beverage
5 Regulation Administration.

6 MR. RIVERO: And how long have you
7 been employed with ABRA?

8 INVESTIGATOR APRAKU: Approximately,
9 three and a half years.

10 MR. RIVERO: And what are your duties
11 with ABRA?

12 INVESTIGATOR APRAKU: ABRA
13 Investigators conduct investigations and
14 inspections of licensed-ABC establishments within
15 the District of Columbia.

16 MR. RIVERO: Thank you. Are you
17 familiar with Michigan Liquors?

18 INVESTIGATOR APRAKU: Yes.

19 MR. RIVERO: And how so are you
20 familiar?

21 INVESTIGATOR APRAKU: My -- I
22 conducted a compliance check there on December

1 11, 2014.

2 MR. RIVERO: And what is a compliance
3 check?

4 INVESTIGATOR APRAKU: Basically, we
5 monitored the establishment during this normal
6 course of -- normal hours of operation to
7 determine whether identification of people who
8 were buying -- patrons of the establishment were
9 being checked and if they were of the legal age.

10 MR. RIVERO: Thank you. You indicated
11 that you visited on December 11, 2014?

12 INVESTIGATOR APRAKU: Correct.

13 MR. RIVERO: Okay. Did you go by
14 yourself or were you accompanied by others?

15 INVESTIGATOR APRAKU: I was
16 accompanied by Investigator Ileana Corrales.
17 There was just the two of us.

18 MR. RIVERO: Okay. So what happened
19 when you got to the establishment on that day?

20 INVESTIGATOR APRAKU: We arrived at
21 the establishment, approximately, 6:50 p.m. We
22 stood outside the establishment directly across

1 from it. We were parked in our Government
2 vehicle. We were monitoring the establishment
3 from the outside initially.

4 Around about 6:51, we saw three
5 patrons enter the establishment. We exited our
6 vehicle and went up the street, at which point we
7 took a vantage point peering into the
8 establishment through the window out of the
9 eyesight of the inhabitants of the store.

10 MR. RIVERO: Okay. Let me stop you
11 for a minute. When you were standing there you
12 say looking at the store, were you on the
13 sidewalk, the street, private space? Where were
14 you standing?

15 INVESTIGATOR APRAKU: We were on the
16 sidewalk.

17 MR. RIVERO: Okay. And did you have
18 a direct line of sight into the store?

19 INVESTIGATOR APRAKU: Absolutely, yes.

20 MR. RIVERO: And why is that?

21 INVESTIGATOR APRAKU: Well, the
22 windows were open. I mean, it was a window -- it

1 was an open window and we could see straight
2 through to the cashier area.

3 MR. RIVERO: Okay. And what did you
4 observe?

5 INVESTIGATOR APRAKU: We observed
6 several -- we observed the three patrons inside
7 the establishment picking up alcoholic beverages
8 and making their way to the front to the cashier
9 paying for the alcoholic beverages and exiting
10 the establishment.

11 MR. RIVERO: What happened after that?

12 INVESTIGATOR APRAKU: Investigator
13 Corrales and myself hailed the three patrons
14 coming out of the establishment down, displayed
15 our ABRA credentials to them, identifying
16 ourselves as ABRA Investigators and asked to see
17 their identification.

18 MR. RIVERO: Okay. And tell me or
19 describe these three individuals.

20 INVESTIGATOR APRAKU: Three, I don't
21 recall their actual physical appearance.

22 MR. RIVERO: In basic terms.

1 INVESTIGATOR APRAKU: You know, two --
2 it was two males and one female.

3 MR. RIVERO: Yes.

4 INVESTIGATOR APRAKU: Dressed -- I
5 mean, I don't know really how to describe them.

6 MR. RIVERO: That's fine. So there
7 were two males and one female?

8 INVESTIGATOR APRAKU: Yes.

9 MR. RIVERO: You asked them for
10 identification?

11 INVESTIGATOR APRAKU: Yes.

12 MR. RIVERO: What was the response?

13 INVESTIGATOR APRAKU: I mean,
14 initially they were hesitant. They kind of
15 wanted to know what this was about. We told them
16 that we were conducting undercover compliance
17 checks on the establishment. We told them that
18 we were from the Government.

19 The two initial -- the -- I believe it
20 was one male and one female admitted that they
21 weren't -- that they didn't have any
22 identification on their person. Upon further

1 prodding, they admitted that they were 20 years
2 of age and that they were Catholic University
3 students.

4 The other male indicated -- presented
5 a North Carolina identification to us, which we
6 determined was real, but that also showed that he
7 was 20 years of age. He stated that he was from
8 Notre Dame University.

9 MR. RIVERO: Okay. And what were they
10 carrying?

11 INVESTIGATOR APRAKU: Let me check.

12 MR. RIVERO: Were they carrying
13 alcoholic beverages?

14 INVESTIGATOR APRAKU: They were
15 carrying alcoholic beverages.

16 MR. RIVERO: What happened after they
17 made that response to you?

18 INVESTIGATOR APRAKU: We confiscated
19 the identification. No, we confiscated the
20 alcoholic beverages.

21 MR. RIVERO: Okay.

22 INVESTIGATOR APRAKU: And then at that

1 point, we also took their information down for --
2 to present to their universities.

3 MR. RIVERO: And why would you do
4 that?

5 INVESTIGATOR APRAKU: We have a
6 partnership with a lot of the District -- the
7 universities in the District of Columbia. When a
8 student is caught in an underage situation, their
9 information is forwarded to the university for
10 disciplinary action.

11 MR. RIVERO: Okay. So after you took
12 the alcoholic beverages and the information of
13 the students, then what happened?

14 INVESTIGATOR APRAKU: One of the --
15 during the course of us taking the alcoholic
16 beverages from the underage minors, one of them
17 stated that they knew that this establishment was
18 a particular -- was one of the spots in which you
19 could go to in order to purchase underage
20 alcohol.

21 MR. RIVERO: Okay.

22 INVESTIGATOR APRAKU: And that it was

1 known on campus. After the alcohol was seized
2 and their information was obtained, they were
3 free to go. Upon -- as soon as -- I mean,
4 probably like less than one minute after, we saw
5 another individual exiting the establishment
6 carrying an alcoholic beverage.

7 MR. RIVERO: Okay.

8 INVESTIGATOR APRAKU: We hailed that
9 individual down also displaying our ABRA
10 credentials, identifying ourselves as ABRA
11 Investigators, at which point we requested that
12 he present us with identification.

13 This individual presented us with an
14 identification, which was an Illinois State
15 Driver's License, which we determined was not
16 real, based on our training as ABRA
17 Investigators.

18 MR. RIVERO: Okay.

19 INVESTIGATOR APRAKU: He admitted that
20 he was also a Catholic University student and
21 that he was, I believe according to the report,
22 18.

1 MR. RIVERO: Can I -- I would rather
2 that if you sound uncertain about something, that
3 you --

4 INVESTIGATOR APRAKU: Yes.

5 MR. RIVERO: -- would refer to your
6 report. Would it help you to refresh your
7 recollection if I showed you the report?

8 INVESTIGATOR APRAKU: Yes, yes.

9 MR. RIVERO: So what I'm going to do
10 is I'm going to hand you what is marked as
11 Government Exhibit 1 for identification, a copy
12 of which has been just provided to the licensee,
13 but previously submitted to the licensee --

14 CHAIRPERSON MILLER: Yes.

15 MR. RIVERO: -- some time ago. And I
16 would like you to take a moment to leaf through
17 it and identify this document that I'm handing
18 you. What is this document?

19 INVESTIGATOR APRAKU: This is the
20 report that I wrote --

21 MR. RIVERO: Okay.

22 INVESTIGATOR APRAKU: -- regarding the

1 violation.

2 MR. RIVERO: And is it an accurate
3 copy of the report that you wrote?

4 INVESTIGATOR APRAKU: Yes, it is.

5 MR. RIVERO: And is it a complete copy
6 of the report that you wrote?

7 INVESTIGATOR APRAKU: Yes.

8 MR. RIVERO: The Government would move
9 Exhibit 1 into identification, at this time,
10 Investigator Apraku's investigative report.

11 CHAIRPERSON MILLER: Okay. Any
12 objection? Okay. Exhibit 1 is admitted then,
13 Government's Exhibit 1.

14 (Whereupon, the document was marked as
15 Government Exhibit No. 1 for
16 identification and was received into
17 evidence.)

18 MR. RIVERO: Thank you.

19 Take a look at the report with respect
20 to this minor's age.

21 INVESTIGATOR APRAKU: Yes. Yes, the
22 minor was 18 years of age.

1 MR. RIVERO: So he told you that?

2 INVESTIGATOR APRAKU: Yes.

3 MR. RIVERO: Okay. How soon after
4 that conversation did you write this report?

5 INVESTIGATOR APRAKU: Within a month.

6 MR. RIVERO: Did you write that day
7 some notes to indicate his age?

8 INVESTIGATOR APRAKU: I don't
9 necessarily -- I know I -- actually, yes, we did.
10 We did at the scene. At the scene we took down
11 their information.

12 MR. RIVERO: Right. Okay.

13 INVESTIGATOR APRAKU: Yes.

14 MR. RIVERO: Thank you. All right.
15 So he indicated to you that he was 18 years-old.
16 He had a fake driver's license.

17 INVESTIGATOR APRAKU: Yes.

18 MR. RIVERO: He was a Catholic
19 University student. What happened after that?

20 INVESTIGATOR APRAKU: During the
21 course of the time that we were questioning the
22 individuals, someone from the establishment came

1 out and observed us while we were questioning the
2 individual.

3 MR. RIVERO: Yes.

4 INVESTIGATOR APRAKU: And confiscating
5 his alcohol.

6 MR. RIVERO: Yes.

7 INVESTIGATOR APRAKU: That person
8 stayed for maybe more than a minute.

9 MR. RIVERO: Yes.

10 INVESTIGATOR APRAKU: And at that
11 point, that person reentered the establishment.

12 MR. RIVERO: Okay.

13 INVESTIGATOR APRAKU: Investigator
14 Corrales and myself felt that, at this point, our
15 cover had somewhat been blown and that it would
16 be more advantageous to us to leave where we were
17 and move to a better vantage point.

18 We then entered our vehicle and drove
19 around the establishment towards the back of it.
20 Upon reaching the vantage point where we could
21 see the front of the establishment, we observed
22 Mr. -- we observed the owner and one of his

1 employees closing up the establishment and
2 pulling the -- well, basically, by the time we
3 got there, the lights were off and the grate, the
4 metal grate in front of the establishment was
5 being pulled down. And they were hurrying
6 towards their vehicle.

7 MR. RIVERO: Okay. You said you
8 observed who?

9 INVESTIGATOR APRAKU: The owner.

10 MR. RIVERO: And someone else?

11 INVESTIGATOR APRAKU: And --

12 MR. RIVERO: Are those people that you
13 observed here today?

14 INVESTIGATOR APRAKU: Yes.

15 MR. RIVERO: If you would identify
16 them?

17 INVESTIGATOR APRAKU: It would be the
18 two gentlemen representing the establishment.

19 MR. RIVERO: Okay. Let the record
20 reflect that the witness is identifying the
21 persons at the licensee's table, two gentlemen,
22 who are not the Interpreter.

1 CHAIRPERSON MILLER: Okay.

2 MR. RIVERO: Continue.

3 INVESTIGATOR APRAKU: At that point,
4 I was -- we were basically across the street from
5 them. They were hurrying to their vehicle. I
6 basically jumped out of the vehicle, held my ABRA
7 credentials forward and yelled that they should
8 stop and wait. I ran up to them and identified
9 myself as an ABRA Investigator.

10 I explained that we were operating in
11 an undercover capacity and that alcohol had been
12 sold to minors. The owner stated to me that his
13 wife had been in some sort of accident or his
14 wife was sick and that they needed to get to the
15 emergency room immediately.

16 I informed him that alcohol had been
17 sold and that we would be returning the next day
18 to serve the paperwork.

19 At this point, the owner stated that
20 well, how long would it take for us to get this
21 done with? I said, approximately, about 15
22 minutes, at which point we went back to the

1 establishment. He reopened the establishment and
2 we entered.

3 At that point, business resumed.
4 Customers filtered into the establishment and
5 began purchasing alcohol. Me and Investigator --
6 sorry.

7 MR. RIVERO: You and Investigator
8 Corrales were inside the establishment, at this
9 time?

10 INVESTIGATOR APRAKU: Yes.

11 MR. RIVERO: Okay. Tell us when you
12 were inside the establishment what did you
13 observe?

14 INVESTIGATOR APRAKU: We observed
15 several patrons coming into the establishment.
16 The owner worked with us in regards to our
17 paperwork while the other gentleman seated at the
18 table began taking customers.

19 MR. RIVERO: Okay.

20 INVESTIGATOR APRAKU: During the
21 course of us conducting our paperwork, a patron
22 came into the establishment and picked up a

1 bottle of alcohol an went to the front counter to
2 make his purchase. Investigator Corrales made a
3 statement to this gentleman right here that are
4 you checking IDs? And he said "I'm checking
5 every ID, don't be such an asshole."

6 MR. RIVERO: Okay. And you heard
7 this?

8 INVESTIGATOR APRAKU: I heard this.

9 MEMBER SILVERSTEIN: Could you repeat
10 that, sir?

11 INVESTIGATOR APRAKU: He said "I'm
12 checking all IDs, don't be such an asshole."

13 MR. RIVERO: Okay. So you heard this.
14 Did you hear any response that Investigator
15 Corrales made?

16 INVESTIGATOR APRAKU: Investigator
17 Corrales -- I can't say that -- a verbatim
18 statement that was made.

19 MR. RIVERO: Yes.

20 INVESTIGATOR APRAKU: But it was made
21 along the lines of we are Government officials
22 doing our -- working in official Government

1 capacity and it's within our right to ask him to
2 check IDs.

3 MR. RIVERO: Okay. And what were you
4 doing, at this time, again?

5 INVESTIGATOR APRAKU: I was conducting
6 the regulatory inspection and also filling out
7 notification paperwork.

8 MR. RIVERO: Okay. What happened
9 after that?

10 INVESTIGATOR APRAKU: Mr. -- and I'm
11 sorry, I forget his name, but the gentleman here
12 made an additional comment that I don't remember.

13 MR. RIVERO: Yes.

14 INVESTIGATOR APRAKU: And I stepped in
15 and stated that we will not tolerate them
16 speaking to Government officials in this manner.

17 MR. RIVERO: Okay.

18 INVESTIGATOR APRAKU: And that, you
19 know, again, we are working on -- in the
20 Government's capacity and that the establishment
21 will be charged with interference as a result of
22 their behavior.

1 MR. RIVERO: What happened after that?

2 INVESTIGATOR APRAKU: We continued to
3 do our paperwork. We got all the information
4 that was necessary for us and we exited the
5 establishment.

6 At the time of our departure, there
7 was still customers in the establishment
8 purchasing alcohol.

9 MR. RIVERO: Okay. You indicated that
10 you completed your paperwork. Is that correct?

11 INVESTIGATOR APRAKU: Correct.

12 MR. RIVERO: All right. And did you
13 add that paperwork to your report?

14 INVESTIGATOR APRAKU: Correct.

15 MR. RIVERO: I want to show you your
16 report again just so that you can identify the
17 paperwork that you completed during your visit.
18 Is it this exhibit here?

19 INVESTIGATOR APRAKU: Yes.

20 MR. RIVERO: Okay. And this denoted
21 as what exhibit in your report?

22 INVESTIGATOR APRAKU: Exhibit 1.

1 MR. RIVERO: Okay.

2 INVESTIGATOR APRAKU: And Exhibit 2.

3 MR. RIVERO: Okay. All right.

4 Correct. So Exhibits 1 and 2 you completed on
5 the premises?

6 INVESTIGATOR APRAKU: Yes.

7 MR. RIVERO: Thank you. So you just
8 testified that you exited the establishment and
9 there were still people there or patrons?

10 INVESTIGATOR APRAKU: Correct.

11 MR. RIVERO: Okay. What happened?
12 Then what did you do after you exited the
13 establishment?

14 INVESTIGATOR APRAKU: We left the
15 establishment and returned to ABRA and committed
16 the evidence into -- we took the evidence and
17 created an evidence transmittal and then
18 submitted it into ABRA's Evidence Storage Unit.

19 MR. RIVERO: Okay. And what do you
20 mean by evidence?

21 INVESTIGATOR APRAKU: We -- the
22 alcoholic beverages that were retrieved from the

1 underage minors.

2 MR. RIVERO: Okay. All right. And
3 was that act also included in your report?

4 INVESTIGATOR APRAKU: Correct.

5 MR. RIVERO: Let me show you your
6 report again. Is this the transmittal form you
7 mentioned?

8 INVESTIGATOR APRAKU: Correct, it is.

9 MR. RIVERO: And what exhibit to your
10 report is that?

11 INVESTIGATOR APRAKU: Exhibit No. 3.

12 MR. RIVERO: Okay. So Exhibit 3 is
13 the documents, the evidence you brought to ABRA?

14 INVESTIGATOR APRAKU: Correct.

15 MR. RIVERO: Thank you. After you
16 documented the evidence that you brought to ABRA,
17 did you have any further contact with the
18 licensee concerning this case?

19 INVESTIGATOR APRAKU: No.

20 MR. RIVERO: Okay. Thank you. No
21 further questions, at this time.

22 CHAIRPERSON MILLER: Okay. Does the

1 applicant have any cross-examination?

2 MR. CHUN: Okay. Understand.

3 CROSS-EXAMINATION

4 MR. YI: The whole -- the end of the
5 night --

6 CHAIRPERSON MILLER: Wait. I'm going
7 to -- I just want to caution you once.

8 MR. YI: Okay.

9 CHAIRPERSON MILLER: Because it sounds
10 like -- now is not your time to testify.

11 MR. YI: Oh, okay.

12 CHAIRPERSON MILLER: This is the time
13 to ask questions, if you have any questions --

14 MR. YI: Oh, ask questions.

15 CHAIRPERSON MILLER: -- based on his
16 testimony.

17 MR. YI: Okay. So you said that you
18 could see inside the store the patrons if we were
19 checking IDs or not from the window? You said
20 that you could see us when you were on the
21 sidewalk?

22 MR. RIVERO: I could not necessarily

1 see whether the IDs were being checked or not. I
2 did, however, check the IDs of every individual
3 who exited the establishment after the sale was
4 made.

5 MR. YI: Okay. And then you made sure
6 that they were 18 years-old?

7 INVESTIGATOR APRAKU: Yes.

8 MR. YI: You had proof?

9 INVESTIGATOR APRAKU: They provided
10 their dates --

11 MR. RIVERO: I object. I need to
12 object right here.

13 CHAIRPERSON MILLER: Why?

14 MR. RIVERO: I believe he has
15 testified that the witness -- the minors were 20
16 years-old, I believe.

17 MR. YI: Yes.

18 MR. RIVERO: In one case.

19 CHAIRPERSON MILLER: Oh.

20 MR. YI: Yes.

21 MR. RIVERO: And 18 in another, so I
22 would like to clarify -- have clarification of

1 what the witnesses were -- what minors we are
2 actually talking about.

3 CHAIRPERSON MILLER: Okay. There were
4 three minors. You want him to clarify which
5 minors he is talking about?

6 MR. RIVERO: All told there were four.

7 CHAIRPERSON MILLER: Four, okay.

8 MR. YI: Right. I mean, so you saw
9 the real license that they were minors?

10 INVESTIGATOR APRAKU: Okay. Two of
11 the minors didn't have any ID on them at all.

12 MR. YI: Okay.

13 INVESTIGATOR APRAKU: They just
14 admitted that they were 20 and gave us their date
15 of birth.

16 MR. YI: Okay.

17 INVESTIGATOR APRAKU: One of the
18 minors had a real North Carolina ID.

19 MR. YI: Yes.

20 INVESTIGATOR APRAKU: That was
21 confirmed as him being 20. One had a fake ID and
22 had no other identification on him.

1 MR. CHUN: Can I ask you something?

2 INVESTIGATOR APRAKU: Yes.

3 MR. CHUN: I'm sorry for the cuss word
4 to -- at that time to my employee. I'm sorry.

5 INVESTIGATOR APRAKU: Absolutely,
6 okay.

7 MR. CHUN: Okay. I respect your job,
8 what you do, but you found outside of check ID
9 that is a minor, but why don't you bring him back
10 to me, confirm that it's a minor? And what I
11 mean is I would like to know how old he is and
12 the person I had sell to them, I would like to
13 know. But did you bring me back to the ID to the
14 store or salesman?

15 INVESTIGATOR APRAKU: I'm sorry, I
16 don't understand the question.

17 MR. CHUN: Okay. You check ID outside
18 of the building, did you?

19 INVESTIGATOR APRAKU: Yes.

20 MR. CHUN: I don't know which one I
21 sell the person outside, but did you check ID in
22 case of that you have to show up the ID how old

1 they are, show to the owner or who sell it to
2 them, you know, you have to verify how old they
3 are. You have to convince to the Michigan Liquor
4 clerk. But did you do that?

5 INVESTIGATOR APRAKU: I did not bring
6 the minor --

7 MR. RIVERO: I'm going to lodge an
8 objection here. The question is, number one,
9 argumentative and number two, the question has a
10 premise that is not true and that there is no
11 obligation. He said you have to show the ID to
12 the store. There is no legal obligation for the
13 Investigator to do that.

14 Maybe the Investigator can answer the
15 question, but the Board understands that the
16 premise --

17 CHAIRPERSON MILLER: Okay.

18 MR. RIVERO: -- inside the question
19 that he has to do this. It's not true and that
20 is my objection.

21 CHAIRPERSON MILLER: Okay. Okay. But
22 the question is did he bring back the IDs to show

1 you which minors were under 21?

2 MR. CHUN: Yes, in case of --

3 CHAIRPERSON MILLER: Which were
4 minors?

5 MR. CHUN: -- the ID -- I didn't check
6 the ID for the minor, but I would like to know
7 who they are, minor or not. So far I didn't
8 know.

9 CHAIRPERSON MILLER: Okay. This is
10 not the time for you to testify again though.
11 You will be able to do that. It's only if you
12 have a question for Mr. Apraku.

13 MR. CHUN: Okay. That's all.

14 CHAIRPERSON MILLER: Okay.

15 MR. RIVERO: The witness is free to
16 answer whether he, in fact, did that or not, show
17 the owner the ID in question.

18 CHAIRPERSON MILLER: Okay.

19 MR. RIVERO: Or even why he did or did
20 not do so, so long as the Board Members
21 understand that he wasn't under an obligation to
22 take any specific action.

1 CHAIRPERSON MILLER: Okay. Do you
2 want to answer that question?

3 INVESTIGATOR APRAKU: I did not return
4 the minor to come verify. Again, in some
5 capacity, for those of us who work at ABRA, we
6 considered that a bit of a safety situation.
7 Again, you might be incensed or you might be
8 angry that a minor has purchased alcohol and has
9 caused you a violation. Again, we can't put
10 their lives in any sort of danger. Again, the
11 responsibility of checking IDs lays fully on the
12 establishment, as far as we are concerned.

13 CHAIRPERSON MILLER: Okay.

14 MR. YI: I mean --

15 CHAIRPERSON MILLER: Yes?

16 MR. YI: -- how about like bringing
17 back after I just -- not them personally, but
18 their personal ID?

19 INVESTIGATOR APRAKU: I would say that
20 in some capacity even -- well, first, three of
21 the individuals didn't have any ID. So I mean, I
22 couldn't -- there was no ID to bring back. One

1 gentleman had a real ID and it was his real ID,
2 which I'm -- in some capacity taking his real ID
3 and presenting him with his name on his ID and
4 giving it to you still represents a safety
5 concern for the Agency and a liability for us.

6 MR. CHUN: Sir, we asking for bringing
7 back person to the -- with ID reason why we make
8 sure we sell to him or not.

9 MR. RIVERO: Objection.

10 CHAIRPERSON MILLER: Okay. All right.
11 All right. All right. I'm getting objections.
12 Okay. You can say all that when you testify.

13 MR. CHUN: Okay. Okay. Okay.

14 CHAIRPERSON MILLER: Okay. Any other
15 questions for Mr. Apraku?

16 MR. CHUN: No, that's all.

17 CHAIRPERSON MILLER: Okay. Board
18 questions?

19 MEMBER SHORT: I have one.

20 CHAIRPERSON MILLER: Yes, Mr. Short,
21 yes.

22 MEMBER SHORT: Good morning.

1 INVESTIGATOR APRAKU: Good morning,
2 sir.

3 MEMBER SHORT: Investigator Apraku,
4 you stated that you heard or overheard someone
5 say to the other Investigator with you at the
6 time that -- the question were they checking IDs.

7 INVESTIGATOR APRAKU: Yes.

8 MEMBER SHORT: And what was that
9 response again?

10 INVESTIGATOR APRAKU: The response was
11 "I'm checking all IDs, don't be such an asshole."

12 MEMBER SHORT: And when identified
13 yourself as -- the person identified themselves as
14 a Government Agent, what was the response then?

15 INVESTIGATOR APRAKU: I don't
16 necessarily recall. I just remember that it was
17 argumentative. Again, at that point, I
18 understood that in some regard tensions were high
19 and I just stepped in and said hey, we are
20 Government officials. You can't speak to us in
21 that manner. And that pretty much ended it, but
22 there was no necessary direct action from the

1 applicant to put his employee in check and say
2 hey, you know, you can't talk to them like that.
3 It was just kind of let.

4 MEMBER SHORT: At any time during your
5 observance and being inside the store, did the
6 store owners or the representatives give any
7 substantive in relationship to your being a
8 Government employee?

9 INVESTIGATOR APRAKU: I'm sorry, I
10 didn't understand fully.

11 MEMBER SHORT: Well, did they
12 recognize you as being a Government employee?

13 INVESTIGATOR APRAKU: Oh, yes, they
14 did. They did initially when -- I mean, when we
15 showed our Government -- when we showed our IDs
16 and they were outside, they recognized that we
17 were from ABRA. At that point, they opened up
18 the establishment for us and then we proceeded to
19 do the paperwork.

20 MEMBER SHORT: So this comment that
21 came about being called those names outside of
22 names happened after you had identified yourself

1 as an Agent of the District Government?

2 INVESTIGATOR APRAKU: Correct.

3 MEMBER SHORT: Thank you. That's all
4 I have, Madam Chair.

5 CHAIRPERSON MILLER: Okay. Others?
6 Mr. Alberti?

7 MEMBER ALBERTI: Good morning,
8 Investigator Apraku.

9 INVESTIGATOR APRAKU: Good morning,
10 sir.

11 MEMBER ALBERTI: So you observed --
12 you said you observed the purchase of the alcohol
13 by all four of these individuals?

14 INVESTIGATOR APRAKU: Yes.

15 MEMBER ALBERTI: Okay. Do you
16 recall --

17 MR. RIVERO: I'm sorry, I need to
18 lodge an objection. The witness did not state
19 that. The witness stated that he observed three
20 individuals and the fourth individual he observed
21 exiting from the establishment.

22 MEMBER ALBERTI: Okay. Thank you.

1 Thank you for that clarification. So,
2 Investigator Apraku, I will rephrase my question.

3 So the first three individuals who you
4 stopped to check their ID.

5 INVESTIGATOR APRAKU: Yes.

6 MEMBER ALBERTI: You observed them
7 purchasing alcohol inside the establishment?

8 INVESTIGATOR APRAKU: Yes.

9 MEMBER ALBERTI: Okay. Could you
10 observe them -- do you remember who completed
11 that purchase?

12 INVESTIGATOR APRAKU: It was the
13 owner.

14 MEMBER ALBERTI: Okay.

15 INVESTIGATOR APRAKU: Yes.

16 MEMBER ALBERTI: It was the owner,
17 okay. Thank you. And could you observe them
18 when they left the register as they exited? Did
19 you have a line of sight on them the whole time?

20 INVESTIGATOR APRAKU: Briefly. Again,
21 based on where we were standing, we could see
22 them leaving. We didn't see them necessarily

1 move all the way, but we could tell that they
2 were moving towards the exit, at which point we
3 stood ready waiting for them.

4 MEMBER ALBERTI: Okay. In your
5 estimation, are you confident that what they
6 purchased they had in their hand when they left
7 and walked out that door?

8 INVESTIGATOR APRAKU: Absolutely. I'm
9 positive.

10 MEMBER ALBERTI: Okay. Thank you. So
11 they were in possession the whole time?

12 INVESTIGATOR APRAKU: Absolutely.

13 MEMBER ALBERTI: From what you
14 observed?

15 INVESTIGATOR APRAKU: Yes.

16 MEMBER ALBERTI: Okay. Great. All
17 right. When you -- you said something about
18 contacting Catholic University?

19 INVESTIGATOR APRAKU: Yes.

20 MEMBER ALBERTI: What does that
21 entail?

22 INVESTIGATOR APRAKU: I'm not

1 necessarily -- I wasn't -- at the time, I wasn't
2 in charge of it.

3 MEMBER ALBERTI: Yes.

4 INVESTIGATOR APRAKU: But I know that
5 Investigator Corrales would take the names and
6 submit that to the university for disciplinary
7 action. So based on what the student would say,
8 again, we would have to prod. We would have to
9 prod them a little bit for them to divulge that
10 information as to what university that they were
11 a part of. But once they divulged that
12 information, that information was sent to the
13 university through the DC Double Check
14 program --

15 MEMBER ALBERTI: Okay.

16 INVESTIGATOR APRAKU: -- that we have
17 with them.

18 MEMBER ALBERTI: Do you know if you
19 get any feedback from the university?

20 INVESTIGATOR APRAKU: Yes. And again,
21 I don't have the records. Those records would be
22 with Investigator Corrales but -- or with the

1 Chief of Enforcement. But my understanding was
2 that all three of them confirmed that they were
3 Catholic University and the individual who stated
4 that he was from Notre Dame actually was from the
5 Catholic University as well. So all four of the
6 minors were actually from Catholic University.

7 MEMBER ALBERTI: Okay. So here is
8 what I'm trying to get at. They had no ID. So
9 they all told you that they were -- well, two of
10 the individuals told you that they were 20 years-
11 old. Were you able to confirm that at all?

12 INVESTIGATOR APRAKU: I was --

13 MEMBER ALBERTI: In any manner, either
14 responses from Catholic University, some other
15 way, any way?

16 INVESTIGATOR APRAKU: I personally was
17 not able to do that. Again, at the time, I was
18 both working with Investigator Corrales, who was
19 also on the case, and she was in charge of the DC
20 Double Check Program, so she would probably have
21 that information. I don't have it.

22 MEMBER ALBERTI: So my question is and

1 maybe you don't know, because you're not -- this
2 is not part of your regular duties, but would the
3 university come back one way or another and say
4 oh, you know, you gave us that name, but that
5 person really is of age?

6 INVESTIGATOR APRAKU: Not that I know
7 of.

8 MEMBER ALBERTI: All right. All
9 right. Very good. Did you confiscate the fake
10 ID from the fourth individual?

11 INVESTIGATOR APRAKU: No. I believe
12 there was some sort of mixup while we were there
13 and we were unable to retrieve that ID. I
14 remember though that when Investigator Corrales
15 sent the DC Double Check information, that she
16 requested that the ID be -- would be taken from
17 that individual, but I don't know what the
18 follow-up to that was.

19 MEMBER ALBERTI: So that fourth
20 individual with the fake ID, the Illinois
21 Driver's License, fake ID, why did you approach
22 that individual?

1 INVESTIGATOR APRAKU: Normally, when
2 we go on the -- when we go to -- on a compliance
3 check and we receive -- and we get positive
4 feedback from stopping any number of individuals,
5 at that point, we pretty much treat it as any
6 individual coming out the establishment, at this
7 point, is getting checked, because the first
8 three people that we checked were underage. The
9 next individual who came out, we just basically
10 checked him.

11 MEMBER ALBERTI: So would you check
12 me?

13 INVESTIGATOR APRAKU: Well, no.

14 MEMBER ALBERTI: And why not?

15 INVESTIGATOR APRAKU: Well, I mean,
16 again, you are -- they appeared to be underage.
17 They appeared to be young in age as they were
18 entering the establishment.

19 MEMBER ALBERTI: Okay. So this fourth
20 individual --

21 INVESTIGATOR APRAKU: Yes.

22 MEMBER ALBERTI: -- appeared to be --

1 INVESTIGATOR APRAKU: Absolutely.

2 MEMBER ALBERTI: All right. All

3 right. Thank you very much.

4 INVESTIGATOR APRAKU: No problem.

5 MEMBER ALBERTI: I have no further

6 questions.

7 CHAIRPERSON MILLER: Okay. Others?

8 MR. RIVERO: I'm going to go ahead and

9 just lodge a minor objection on the record. So

10 just to be clear that the Investigator does not

11 have a legal obligation to check the

12 identification of each and every human being that

13 walks out of the store, regardless of that

14 person's appearance, in conducting these checks.

15 MEMBER ALBERTI: You say has no

16 obligation?

17 MR. RIVERO: No. There is no

18 obligation upon an Investigator.

19 MEMBER ALBERTI: And just to comment,

20 I understand -- that's perfectly understood and

21 thank you for that comment, Mr. Rivero. I was

22 trying to understand why he chose this

1 individual. If he was checking -- I was trying
2 to understand from the Investigator whether he
3 was checking everybody or those -- or had reasons
4 to check certain individuals. And he answered me
5 that he -- I understood his answer to be that he
6 was checking those individuals who appeared to be
7 underage.

8 CHAIRPERSON MILLER: Okay. Others?
9 I just have a few. Mr. Apraku?

10 INVESTIGATOR APRAKU: Yes.

11 CHAIRPERSON MILLER: So two of the IDs
12 were they D.C. IDs? One was North Carolina and
13 one was Illinois and the others?

14 INVESTIGATOR APRAKU: The others
15 didn't have any IDs.

16 CHAIRPERSON MILLER: Oh, they didn't
17 have any.

18 INVESTIGATOR APRAKU: No.

19 CHAIRPERSON MILLER: Okay. So well,
20 the out-of-state IDs, are they -- do you know are
21 they a different angle than, you know, if you are
22 over/under like vertical versus horizontal?

1 INVESTIGATOR APRAKU: I can't recall.

2 CHAIRPERSON MILLER: Okay. So you
3 basically looked at the date?

4 INVESTIGATOR APRAKU: Yes.

5 CHAIRPERSON MILLER: Okay. How long
6 were you monitoring this establishment?

7 INVESTIGATOR APRAKU: It was almost
8 immediate. I mean, we arrived there about 6:50
9 and by about 6:51 there was activity, so I mean,
10 it was pretty much we pulled up. We sat there
11 for about a minute or two and there was activity
12 and we were already in action moving towards the
13 establishment.

14 CHAIRPERSON MILLER: And when did you
15 finish?

16 INVESTIGATOR APRAKU: I don't recall
17 the exact time.

18 CHAIRPERSON MILLER: Okay.

19 INVESTIGATOR APRAKU: I think -- I
20 mean, I would have to check. I can check.

21 CHAIRPERSON MILLER: I mean, was it
22 like 15 minutes or half an hour?

1 INVESTIGATOR APRAKU: It was probably
2 around like half an hour after we entered the
3 establishment.

4 CHAIRPERSON MILLER: Did you -- oh,
5 Mr. Silverstein, go ahead.

6 MEMBER SILVERSTEIN: You say you
7 arrived at 6:50?

8 INVESTIGATOR APRAKU: Yes, ma'am.

9 MEMBER SILVERSTEIN: At 6:51, is that
10 when you noticed the first three people?

11 INVESTIGATOR APRAKU: Absolutely.

12 MEMBER SILVERSTEIN: So you didn't
13 have to sit around and wait while 20 people came
14 in before you found three people who looked
15 suspicious? This was an immediate fish in the
16 barrel situation?

17 INVESTIGATOR APRAKU: Yes.

18 MEMBER SILVERSTEIN: Thank you, sir.

19 CHAIRPERSON MILLER: And while you
20 were there, was there a lot of activity?

21 INVESTIGATOR APRAKU: There wasn't --
22 it wasn't a lot of activity. I mean, we didn't

1 stay that long and I mean, during the course of
2 the time we were there, they shut down briefly,
3 so there wasn't a lot of activity, but there were
4 a few people coming in and out.

5 CHAIRPERSON MILLER: Okay. And just
6 to be clear, you saw three or you witnessed
7 three, observed three --

8 INVESTIGATOR APRAKU: Yes.

9 CHAIRPERSON MILLER: -- minors being
10 sold alcohol, correct?

11 INVESTIGATOR APRAKU: Yes.

12 CHAIRPERSON MILLER: Okay. And were
13 they together?

14 INVESTIGATOR APRAKU: I couldn't tell.

15 CHAIRPERSON MILLER: Okay.

16 INVESTIGATOR APRAKU: I couldn't tell.
17 They acted like they weren't together when we
18 stopped them, so I couldn't really tell whether
19 it was an act or whether they were actually
20 friends.

21 CHAIRPERSON MILLER: Okay. And then
22 the fourth person, you asked for their ID when

1 they came out, correct? You didn't see them
2 being sold it?

3 INVESTIGATOR APRAKU: Yes.

4 CHAIRPERSON MILLER: Okay. All right.
5 I don't have any other questions. Mr. Short?

6 MEMBER SHORT: Mr. Apraku or
7 Investigator Apraku, I'm looking at Section 25-
8 783 in our Code and it says "Production of a
9 valid identification document required." So the
10 two persons who did not have any ID --

11 INVESTIGATOR APRAKU: Yes.

12 MEMBER SHORT: -- who later identified
13 as being Catholic University students were
14 clearly sold alcohol without even being asked for
15 their ID.

16 INVESTIGATOR APRAKU: Correct. And
17 they had stated that they hadn't been checked.
18 They stated that they hadn't had their
19 identification checked while purchasing the
20 alcohol.

21 MEMBER SHORT: Thank you. That's all
22 I have, Madam Chair.

1 CHAIRPERSON MILLER: Okay. Anybody
2 else? Okay. Do you have any other questions
3 based on our questions?

4 MR. CHUN: No, ma'am.

5 CHAIRPERSON MILLER: Okay. Mr.
6 Rivero? Okay.

7 REDIRECT EXAMINATION

8 MR. RIVERO: Okay. Investigator
9 Apraku, you check individuals who, to you, appear
10 to be underage based on your experience as an
11 Investigator in this type of work, right?

12 INVESTIGATOR APRAKU: Correct.

13 MR. RIVERO: Okay. Now, on that night
14 at least, would it be fair to say you were
15 focused on looking at individuals who appeared to
16 be underage as opposed to focusing on whether
17 there was a lot or a little commercial activity?

18 INVESTIGATOR APRAKU: Absolutely, yes.

19 MR. RIVERO: It would be fair to say?

20 INVESTIGATOR APRAKU: Correct.

21 MR. RIVERO: Okay. And finally, I
22 want to go ahead and show you Page 2 of Exhibit

1 1. On this page, you detail who the minors were,
2 correct?

3 INVESTIGATOR APRAKU: Yes.

4 MR. RIVERO: And as you can see, you
5 have dates of birth and all that kind of
6 information.

7 INVESTIGATOR APRAKU: Right.

8 MR. RIVERO: And you even have names.

9 INVESTIGATOR APRAKU: Yes.

10 MR. RIVERO: Okay. How did you obtain
11 that information?

12 INVESTIGATOR APRAKU: We asked them.

13 MR. RIVERO: And they replied?

14 INVESTIGATOR APRAKU: And they
15 replied.

16 MR. RIVERO: And then you documented
17 it somewhere?

18 INVESTIGATOR APRAKU: Yes.

19 MR. RIVERO: Okay. You testified that
20 you wrote this report within a month of that
21 evening?

22 INVESTIGATOR APRAKU: Correct.

1 MR. RIVERO: Okay. And then it's fair
2 to say that you used those notes from that night
3 to do this report?

4 INVESTIGATOR APRAKU: Correct.

5 MR. RIVERO: No further questions.

6 CHAIRPERSON MILLER: Okay. Does that
7 complete your case?

8 MR. RIVERO: That's correct.

9 CHAIRPERSON MILLER: Okay. Thank you,
10 Mr. Apraku.

11 INVESTIGATOR APRAKU: Thank you.

12 (Whereupon, the witness was excused.)

13 CHAIRPERSON MILLER: All right. Now,
14 it's time for the applicant. Who --

15 MR. CHUN: Can I speak to here?

16 CHAIRPERSON MILLER: Can you speak
17 from there?

18 MR. CHUN: Or wherever, I don't know.

19 CHAIRPERSON MILLER: Are you going to
20 be a witness?

21 MR. CHUN: We don't have any witness.

22 CHAIRPERSON MILLER: Oh, okay. You

1 are like the lawyer and the witness.

2 MR. CHUN: No.

3 CHAIRPERSON MILLER: You want to --
4 your testimony will be evidence or you will have
5 no evidence. So you can stay there if you want
6 to talk with the Interpreter.

7 MR. CHUN: I want to talk some about
8 this case.

9 CHAIRPERSON MILLER: Okay. Let me
10 swear you in.
11 Whereupon,

12 HEUNG WON CHUN
13 was called as a witness for the applicant, and
14 having been first duly sworn, assumed the witness
15 stand and was examined and testified as follows:

16 MR. CHUN: Yes.

17 CHAIRPERSON MILLER: Okay.

18 MR. CHUN: Can I stand to speak?

19 CHAIRPERSON MILLER: Well, the
20 microphone is on the table, so we often hear you
21 better if you are sitting. If that's okay with
22 you.

1 MR. CHUN: Thank you.

2 CHAIRPERSON MILLER: All right. So
3 you need to start off identifying yourself again,
4 since you are --

5 MR. CHUN: Okay. My name is Heung Won
6 Chun, owner of Michigan Liquor store.

7 CHAIRPERSON MILLER: Okay.

8 DIRECT EXAMINATION

9 MR. CHUN: At that time I'm there, but
10 I respect for the Government Investigator to work
11 here, but a person behavior really like treated
12 like as criminal, but we are businessman, not a
13 criminal. We might have a mistake for the sale
14 to minor or kind of against the law, but still we
15 are praying person for make business.

16 So my employee might be upset at the
17 time just like your criminal you treat like that,
18 that's why he upset. But anyway, we -- and we
19 started to talk to them.

20 The second one, my wife is sick. She
21 has operation for the cardio for three years ago,
22 so time to time he call me and I have to take to

1 the -- go to the emergency room. But at that
2 time she call me, so she go by herself after
3 that, then we had to sign to the Inspector her
4 for the sign, everything, documentation. I
5 followed them.

6 The other thing, you know, for the 20
7 years I work here, I never sell to the minor
8 intentional. So far this is my first time. I
9 teach my employee never sell to minor, against
10 the law, because I didn't sell to minor still
11 enough money for feeding my family. So and I
12 don't like the violation. I have a violation of
13 a traffic ticket, at this time, and I not like.

14 I'm 71 years-old, you know. Okay. So
15 usually customer, it's usually a Catholic
16 University person come here, six, four or five
17 together. Among them, only the one person
18 purchase and they go out. You know, the other
19 ones might be minor, might be older, but the
20 person check outside the ID, so I do have to know
21 who am I serving to, but they didn't bring it
22 back just so you know that you have violate of a

1 minor.

2 So I have to see what date of birth
3 date person I sell. He never show me up. They
4 already gone. I think he saying this gate -- you
5 know, should have convinced to me what kind of
6 violation exactly. The person is Hector and me,
7 so again it's for interest. So keep sell at this
8 time, so I'm very hurt my business and my
9 license.

10 So I would like to know what I'm doing
11 wrong. What it is exactly what I have
12 wrongdoing. At this time, I don't know who am I
13 serve. I didn't see the date of birth of ID.
14 And among that they catching something so
15 personal with just a follow-up and not purchase
16 might be because among though we have a two or
17 three years for a long time worked there. You
18 know, the person was trained to be just check ID.

19 Twice a week or once a week or, you
20 know, three times per month kind of keep coming.
21 We know who they are. Is he a minor or not, we
22 already separate. So we already count. We will

1 have a mistake, but most of all, we didn't sell
2 to minor.

3 So you got our situation. So I'm
4 sorry for disturbing this kind of case for
5 something like that and for disturbing your time.
6 That's all I can say. Thank you.

7 CHAIRPERSON MILLER: Thank you. Yes?

8 MR. YI: I also --

9 CHAIRPERSON MILLER: I have to swear
10 you in.

11 MR. YI: Okay.

12 Whereupon,

13 JOHN YI

14 was called as a witness for the applicant, and
15 having been first duly sworn, assumed the witness
16 stand and was examined and testified as follows:

17 MR. YI: Yes.

18 CHAIRPERSON MILLER: Okay. So start
19 with identifying yourself.

20 DIRECT EXAMINATION

21 MR. YI: Okay. My name is John Yi.
22 I'm the manager at Michigan Liquors. I really do

1 apologize for the way I spoke to Investigator
2 Corrales. Like when it comes to his wife, I
3 mean, like she almost died last year and they
4 really didn't believe us that we had -- he had to
5 go take -- he probably leaves like three times
6 out of the week, because she has to go to the
7 emergency room. That's why if you see he's not
8 there a lot.

9 I'm not a -- you can ask my cousin.
10 I'm not a bad person. Like we have policemen at
11 our store all day, you know, because they like
12 us. And it's just the fact that they didn't
13 believe that. You know, they thought we were
14 just trying to leave. We knew they would come
15 back the next day, so what was the point of
16 leaving that night?

17 You know, it's -- but it's just the
18 heat of the moment. Like I shouldn't have done
19 that and I really -- I knew they were Government
20 employees. I just -- I mean, I didn't think for
21 them to say -- for them not to believe something
22 like that serious. They don't know how sensitive

1 that subject is to us, you know.

2 And for them to say that they don't
3 believe us about something like that, it's -- but
4 you know, it still doesn't excuse what I said.
5 And I really apologize. I apologize to you. I
6 apologize to Corrales. If she was here, I would
7 definitely apologize. That's pretty much it.

8 MR. CHUN: That's it. Finished.

9 CHAIRPERSON MILLER: Mr. Rivero, do
10 you have any questions?

11 MR. RIVERO: No.

12 CHAIRPERSON MILLER: Board Members?

13 MEMBER SHORT: Madam Chair?

14 CHAIRPERSON MILLER: Yes, Mr. Short?

15 MEMBER SHORT: This is to the manager.

16 MR. YI: Yes, sir.

17 MEMBER SHORT: I understand -- and we
18 accept your -- I as a Board Member accept your
19 apology and I hope that never happens again.

20 MR. YI: No.

21 MEMBER SHORT: I would simply say to
22 you have you ever -- well, are you familiar with

1 what happens to young people, especially at
2 Catholic University, the number of alcoholic
3 poisons they have had on that university from
4 over-drinking? Are you familiar with that?

5 MR. YI: (No audible response.)

6 MEMBER SHORT: And I understand you
7 saying that a family member that works with the
8 store, you really feel bad when they are sick.
9 Well, what do you think those parents of Catholic
10 University students feel when their children get
11 sick or someone driving underage has an accident?
12 Someone has to be held responsible for those
13 acts. Your store got caught doing this.

14 Now, I understand, this is for the
15 owner, you say you have been there for 20 years.

16 MR. CHUN: Yes, sir.

17 MEMBER SHORT: And you have never had
18 this problem before?

19 MR. CHUN: No, sir.

20 MEMBER SHORT: The record reflects
21 that in August -- no, February 14, 2014, your
22 store was cited for sale to minors. And that in

1 August of 2014, you were given a Letter of
2 Warning stating that you shouldn't do this again.
3 And that's something that the Board extends for
4 businesses when they are considered to be a
5 situation where they might not have known or did
6 not check, but they are put on notice that if
7 they do it again, that the Board would then take
8 further action.

9 And so you are saying that that didn't
10 happen while you were the owner and all this in
11 2014? Is that your testimony?

12 MR. CHUN: At that time, I wasn't in
13 the store.

14 MEMBER SHORT: But are you familiar
15 with that incident?

16 MR. CHUN: Yes, sir.

17 MEMBER SHORT: You are. Okay. So
18 your testimony should change then that you do --
19 are familiar that you have had this violation
20 before.

21 MR. CHUN: Sir, that is -- that case
22 is under processing. It's not finished, sir.

1 It's not guilty yet. It's under, I don't know.
2 It's still pending, sir. This is pending. At
3 that time, I have something to tell them, but
4 that case is pending. It's not finished. If it
5 guilty, I can say I have a trouble.

6 MEMBER SHORT: Okay.

7 MR. RIVERO: I need to object, at this
8 point, both to the question and to the answer.
9 The question includes a premise or is basically
10 quasi-testimonial about incidents happening at
11 Catholic University and students being poisoned
12 there.

13 CHAIRPERSON MILLER: Yes.

14 MR. RIVERO: And there is no evidence
15 that whatever may be happening there is related
16 to what the licensee did in this case. So we
17 would like that to be discounted completely,
18 first of all.

19 Second of all, I believe there might
20 be some confusion in the mind of the licensee.
21 There is -- correct, a record of a warning letter
22 being sent out, but there is also a recent case

1 that has -- the license has recently received a
2 Notice to Show Cause --

3 CHAIRPERSON MILLER: Okay.

4 MR. RIVERO: -- on another matter and
5 that may be the reason why --

6 CHAIRPERSON MILLER: The confusion.

7 MR. RIVERO: -- there might be some
8 confusion.

9 CHAIRPERSON MILLER: Yes.

10 MR. RIVERO: Because the question
11 talks about something in the record, a listing in
12 the record and he is speaking about what is
13 really another listing in the record.

14 CHAIRPERSON MILLER: Okay. So we need
15 to focus on the facts of this case.

16 MR. RIVERO: Thank you.

17 CHAIRPERSON MILLER: Yes. Okay.

18 MEMBER SHORT: Well, Madam Chair, I'll
19 withdraw that question. And thank you very much
20 for reminding me of that. But the question that
21 I wanted to get on the record and I wanted to
22 raise my question, this is for either one of you,

1 are you familiar with what happens to young
2 people who drink too much and drive? You are?

3 MR. YI: Yes, sir.

4 MEMBER SHORT: Okay. That's all I
5 wanted. I wanted that on the record.

6 CHAIRPERSON MILLER: Okay. Others?
7 Mr. Alberti?

8 MEMBER ALBERTI: Mr. Yi?

9 MR. YI: Yes, sir.

10 MEMBER ALBERTI: How long have you
11 worked at this establishment for Mr. Chun?

12 MR. YI: Going on five years now.

13 MEMBER ALBERTI: Five years? Okay.
14 And what is your relationship with Mr. Chun?

15 MR. YI: He is not my blood uncle, but
16 he is like my uncle. Not blood related, no.

17 MEMBER ALBERTI: So how long have you
18 known him?

19 MR. YI: Over 15 years maybe.

20 MEMBER ALBERTI: Okay. The reason I
21 ask is the testimony of Investigator Apraku was
22 that you were both leaving when they approached

1 you.

2 MR. YI: Yes, sir.

3 MEMBER ALBERTI: Can you explain to
4 me, and maybe you already have, but can you
5 explain to me why both of you would leave? I
6 mean --

7 MR. YI: Because it was just --

8 MEMBER ALBERTI: -- this was at 6:30.

9 MR. YI: -- us two.

10 MEMBER ALBERTI: This was at 7:00.

11 MR. YI: And this was --

12 MEMBER ALBERTI: And so, you know, I
13 understand why Mr. Chun would leave --

14 MR. YI: Yes.

15 MEMBER ALBERTI: -- because of this
16 emergency to go visit his wife at the hospital,
17 but why would you both leave? Why would you
18 close the store and you would leave also?

19 MR. YI: Because there was only two of
20 us there and we never close the store with one
21 person there.

22 MEMBER ALBERTI: You never close the

1 store --

2 MR. YI: We were robbed.

3 MEMBER ALBERTI: -- with one person
4 there? I'm sorry.

5 MR. YI: Yes.

6 MEMBER ALBERTI: Did you say that?

7 MR. YI: We never close the store
8 alone, because we had been robbed a couple months
9 before at gunpoint.

10 MEMBER ALBERTI: Okay.

11 MR. YI: So we have to close with
12 somebody else.

13 MEMBER ALBERTI: Okay. All right.
14 Thank you.

15 CHAIRPERSON MILLER: Okay.

16 MEMBER ALBERTI: No further questions.

17 CHAIRPERSON MILLER: Others? I just
18 want to clarify. Was it Mr. Chun who was selling
19 the alcohol at the time?

20 MR. CHUN: Yes, sir.

21 CHAIRPERSON MILLER: Okay.

22 MR. CHUN: Yes, ma'am.

1 CHAIRPERSON MILLER: Okay. So could
2 you tell me what steps you were taking to
3 determine if the buyers were of age when you were
4 selling the alcohol?

5 MR. CHUN: Yes, ma'am. In working
6 long time, first off, I asked ID in case of 30
7 years or younger than 30 years. Then you know
8 they identified. But that customer keep coming
9 to time to time, I never ask it to him.

10 Then you know the -- especially
11 September there are a lot of minor come to my
12 store, so paying attention to the minor, but
13 after junior, after freshman, junior and senior
14 kind of stuff, they have a customer keep coming,
15 so not necessary check ID, because we know her
16 name, my name and the -- my other employee name
17 is Hogee and, you know, to give it to someone
18 like that.

19 So if we are no recognize that they
20 have a good relationship and we know these ages,
21 we don't necessary check ID. A stranger or a new
22 person come in and looks like a new freshman kind

1 of stuff, we absolutely check ID.

2 CHAIRPERSON MILLER: So did you say
3 you sell sometimes to patrons in groups and then
4 one of them has an ID, so you think that shows
5 they are 21?

6 MR. CHUN: Yes. Most of person come
7 together, but they are not our customers among
8 them. One person come to me and the store
9 together, buy together. So we don't necessarily
10 follow a person, you know, check ID.

11 CHAIRPERSON MILLER: Yes, okay. Are
12 there some students, graduate students from
13 Catholic that are --

14 MR. CHUN: Yes.

15 CHAIRPERSON MILLER: -- 21 and older?

16 MR. CHUN: Yes, they come in, too.

17 CHAIRPERSON MILLER: Okay. Okay. I
18 think that's it for me.

19 MEMBER ALBERTI: May I ask a follow-up
20 question?

21 CHAIRPERSON MILLER: Sure.

22 MEMBER ALBERTI: Mr. Chun, have you

1 seen the report? You have seen the report? The
2 Investigator's report, right?

3 MR. CHUN: Yes, sir, I read that.

4 MEMBER ALBERTI: Would you go to page
5 2 of that report? It lists the names of four
6 individuals there. And let's not mention their
7 names. I don't want you to speak their names,
8 just to protect them. But these four individuals
9 there, do you recognize any of those names?

10 MR. CHUN: I don't know.

11 MEMBER ALBERTI: So you don't know.
12 So you don't know if they were repeat customers
13 or not?

14 MR. CHUN: Lately I'm not stay at
15 store a lot, but every two -- beside him one more
16 customer almost all day long. They know each
17 other, most of the person.

18 MEMBER ALBERTI: Okay. May I ask Mr.
19 Yi a question?

20 MR. YI: Yes.

21 MEMBER ALBERTI: Mr. Yi, do you
22 recognize any of those names?

1 MR. YI: I don't. Honestly, I'm more
2 of a like visual.

3 MEMBER ALBERTI: Okay.

4 MR. YI: I wouldn't be able to
5 remember any of their names.

6 MEMBER ALBERTI: Okay.

7 MR. YI: You know, in an hour, but --

8 MEMBER ALBERTI: Do you remember that
9 evening?

10 MR. YI: I do.

11 MEMBER ALBERTI: Okay. Do you
12 remember whether or not you would have recognized
13 any of the individuals who had come in just
14 before you were approached by Investigator
15 Apraku?

16 MR. YI: I didn't see them.

17 MEMBER ALBERTI: Oh, you didn't see
18 them come in?

19 MR. YI: Yes.

20 MEMBER ALBERTI: Or make the sale?

21 MR. YI: I didn't know who these
22 individuals were.

1 MEMBER ALBERTI: Okay. So we have no
2 reason to believe that you ever check these IDs
3 on these individuals at any time in the past,
4 right?

5 MR. YI: No. I mean --

6 MEMBER ALBERTI: Mr. Chun, we have no
7 reason to believe that you ever check these
8 individuals' IDs in the past. According to your
9 testimony, there is nothing to make us believe
10 that you know that you checked these individuals'
11 IDs in the past.

12 MR. CHUN: So the person I don't
13 remember this kind person. You know, I never
14 seen this person before.

15 MEMBER ALBERTI: All right. Thank you
16 very much. No further questions.

17 MR. CHUN: Yes.

18 CHAIRPERSON MILLER: I just want to
19 ask you, have you ever taken ABRA's training on
20 fake ID or anything like that?

21 MR. CHUN: Yes. I have been down
22 there before. I can't remember. He gave it to

1 me several year for the --

2 CHAIRPERSON MILLER: Do you have the
3 book?

4 MR. CHUN: Yes, to check like that.
5 I attended. He is going to give it to gift. I
6 still have it. So I attend for the fake ID
7 training course, yes.

8 CHAIRPERSON MILLER: Okay. All right.
9 Any other questions? Okay. Any questions on
10 Board questions?

11 MEMBER RODRIGUEZ: Madam Chair?

12 CHAIRPERSON MILLER: Oh, Mr.
13 Rodriguez, yes.

14 MEMBER RODRIGUEZ: I'm curious, Mr.
15 Chun, why you felt you didn't need an Interpreter
16 before?

17 MR. CHUN: I'm sorry?

18 MEMBER RODRIGUEZ: I know it's an
19 embarrassing question, I suppose, but --

20 MR. CHUN: I'm sorry.

21 MEMBER RODRIGUEZ: -- before you
22 didn't need an Interpreter and you have been

1 using the Interpreter. Can I understand what is
2 going on?

3 MR. CHUN: No, I just -- you know,
4 when I was high school in Korea, I learned Korea
5 -- the English, but I been here almost 30 years.
6 Part of the sentence I couldn't understand, so I
7 use to understand, that's why. But --

8 MR. YI: Yes, he thought it was going
9 to be more -- he didn't know he was going to have
10 to listen to a testimony and all this and answer
11 this many questions.

12 MEMBER RODRIGUEZ: Okay. All right.
13 Thank you.

14 CHAIRPERSON MILLER: Okay. Others?
15 Okay. All right. Does that conclude your case?
16 Okay. So now we have closing arguments starting
17 with the Government.

18 Mr. Rivero, I just want to ask you
19 when you -- I'm interesting in hearing, at least
20 -- when I look at the charges, it's not clear to
21 me on paper whatever or necessarily what 780 --
22 which ones are 783 and why. It is kind of

1 blurred in with 781. I don't know if you intend
2 to address that, but I would be analyzing that
3 later, so I just wanted to --

4 MR. RIVERO: Certainly.

5 CHAIRPERSON MILLER: -- bring that to
6 your attention. Okay. All right.

7 MR. RIVERO: Okay. Board Members, the
8 Government's evidence today has shown that there
9 were sales to minor that took place in four
10 instances. You have Charges 1 through 4 and in
11 each charge there is a person named. You have
12 subsequent charges that relate to the checking of
13 IDs as to only the first three patrons as the
14 Investigator testified.

15 The first three patrons that exited
16 the establishment, the Investigator testified he
17 had seen them purchasing. Those minors indicated
18 to him that they were not 21 years-old. That is
19 sufficient evidence to prove (A) the sale and (B)
20 the lack of necessary steps to check the IDs and
21 determine the ages of those three individuals.

22 As to the fourth individual, the

1 Investigator testified that there was sufficient
2 evidence to show that he purchased alcohol and he
3 was not 21 years-old.

4 CHAIRPERSON MILLER: Yes.

5 MR. RIVERO: But the Investigators did
6 not actually observe the sale, because the
7 Investigator testified he had seen that patron
8 exiting and that was the first time he laid eyes
9 on that individual. Hence, you will not see a
10 corresponding charge of 783 as to that sale,
11 because the evidence isn't there for that.

12 You have a direct line of sight
13 observation of the three patrons. We did not
14 have that of the fourth patron, but there was a
15 preponderance of the evidence that the sale took
16 place.

17 Now, as to what I just described,
18 there is a preponderance of the evidence. The
19 Government, I believe, has made its burden as to
20 all of those. Whether the Board believes that
21 this number of sales to minors corresponds with
22 the Government's theory of the establishment's

1 method of operation, the Board can use this
2 evidence to conclude that the licensee allowed
3 the premises to be used for an unlawful purpose,
4 regular sales to minors.

5 The Board is free to use the testimony
6 of the licensee that may or may not mitigate the
7 conclusions concerning that charge, but not the
8 others that I have just mentioned, because no
9 evidence has been presented by the licensee or
10 anybody else to prove by a preponderance that
11 those sales did not take place or that reasonable
12 steps were not taken to determine the ages of
13 those first three patrons that were observed
14 exiting the establishment.

15 That's what this case is about.
16 Everything else is irrelevant and should not be
17 considered. What am I referring to? Well, I'll
18 start.

19 The first thing I need to indicate to
20 Board Members is that this underage compliance
21 program that involves other universities not
22 relevant. And anything that happens at those

1 universities and whether or not the licensees are
2 aware of the gravity of the problem, that's not
3 relevant. And the licensee should not be held
4 any more culpable because they either understand
5 or don't understand the consequences of this
6 problem out there in these universities that are
7 not part of the record here. That's the first
8 thing that's not relevant.

9 Anything concerning the reporting to
10 universities. You have enough evidence from the
11 mouths of the minors themselves. And let me get
12 to that now for a minute, because for some reason
13 there seems to be this importance that if the
14 minors don't present valid identification that
15 they are not 21 years-old, well, then their
16 testimony is cast into doubt and we are not
17 really sure what Investigator Apraku was talking
18 about.

19 No. The admission of these minors
20 that they were 20 years-old is perfectly reliable
21 hearsay testimony. If you were 21 years-old,
22 what reason would you have to tell an

1 Investigator hi, I just violated the law. I'm
2 really 20 years-old.

3 MEMBER SHORT: My my.

4 MR. RIVERO: It makes no sense. So I
5 think that persons who make admissions against
6 their own interests, those statements tend to be
7 fairly reliable. And if I was 20 years-old
8 caught purchasing alcoholic beverages when I was
9 not supposed to and I tell you that well, I'm 20
10 years-old and I'm not 21, that sounds like a
11 statement against self-interest to me.

12 And so all three of those admissions
13 need to be understood as perfectly reliable
14 evidence.

15 Now, information about heated tempers
16 and what names one person called another person,
17 these things may happen on a daily basis. They
18 do not rise to the level of violation of Title
19 25. So you won't see any mention of that in the
20 notice. You don't, because I didn't think it was
21 legally relevant to prove my charges.

22 Of course, the Investigator had to

1 testify about that because that was the
2 Investigator's experience. I don't believe that
3 the licensee is any more or less culpable because
4 an employee got very angry and said something
5 that he should not have said. So that's not
6 legally relevant at all.

7 Also not legally relevant is the
8 health issue that has been testified about. So
9 while it may seem that perhaps the establishment
10 was maybe trying to escape being caught by
11 leaving early, those actions in and of themselves
12 are not relevant either. You also have evidence,
13 that you are free to credit to the other side,
14 that there is, in fact, a health issue involved.

15 The Government doesn't care about
16 that, because it's not relevant. They may have--
17 as they have indicated, maybe the individual who
18 was sick took herself to the hospital and that
19 would explain why the business continued to
20 operate, because as they were legally allowed to
21 operate under their license, not relevant.

22 What is relevant is what I have

1 indicated to you at the beginning of my closing
2 argument. You have perfectly valid evidence on a
3 sale that took place. First, that group of three
4 individuals and they admitted and it's perfectly
5 good evidence that they were not 21 years-old.
6 And second, the last individual who is only being
7 put forward to this Board for evidence of a sale
8 and not that steps were taken that were
9 reasonable or not reasonable to ascertain that
10 individual's ID, because there was no direct
11 observation, as the Investigator testified.

12 And that's it, that's what this case
13 is about. The questions of the Board Members
14 seemed to me to be indicative of concerns about a
15 problem that may be systemic and is outside of
16 this particular case. Namely, the relationship
17 between liquor stores that are in close proximity
18 to universities or other schools or other places
19 where persons under the age of 21 congregate.

20 To the extent that those questions are
21 being asked about -- to the extent that those
22 situations influence the asking of questions to

1 this particular licensee, I would submit to you
2 that we need to focus on the direct evidence that
3 has been provided and that perhaps the Board is
4 free to really look at this situation from a more
5 macro perspective and address it.

6 And perhaps the licensee can be, and
7 this will be my recommendation, ordered to do ID
8 training again. Maybe it's time for a refresher.
9 Maybe we need more ID training, maybe on an
10 annual basis.

11 But those are the situations that
12 speak to larger problems than the evidentiary
13 issues presented by the Government in this case.
14 Thank you very much for your attention.

15 CHAIRPERSON MILLER: Thank you.

16 MEMBER ALBERTI: Before we move on,
17 Mr. Rivero, do you have a recommendation?

18 MEMBER SILVERSTEIN: Yes.

19 MR. RIVERO: Oh, certainly. The
20 Government recommends a penalty commensurate with
21 Title 25 of the D.C. Code and that the licensee
22 be ordered and the licensee's employees be

1 ordered to participate in or to take the ID
2 training when it is next available. The
3 Government is not aware of those details.
4 Presumably, the Board or ABRA may have that
5 information.

6 MEMBER ALBERTI: Thank you, Mr.
7 Rivero.

8 MR. RIVERO: You're welcome.

9 CHAIRPERSON MILLER: Mr. Rivero, I
10 also want to just take this opportunity to ask
11 you this question that I kind of raised before
12 between 781 and 783. Why isn't that a double
13 charge on the incident that occurred inside to
14 charge both 781 and 783? When would it be
15 reasonable to take reasonable steps and still
16 sell to a minor?

17 I mean, why is this --

18 MR. RIVERO: Oh, well, the evidence
19 indicated that the minors themselves didn't
20 present identification. So if we had any
21 evidence that indicated that hi, I presented ID,
22 I didn't look at it carefully or that the

1 licensee -- yes, I definitely presented, I
2 definitely checked these individuals. We don't
3 have any of that kind of evidence.

4 The only evidence that is in the
5 record is yes, we didn't present ID. That's what
6 we have in the record.

7 CHAIRPERSON MILLER: No, I understand
8 that. I'm just looking for the distinctions.

9 MR. RIVERO: Now, there was an ID. So
10 the distinction is no IDs were presented. And I
11 typically use that charge when --

12 CHAIRPERSON MILLER: No IDs.

13 MR. RIVERO: -- no ID is -- there is
14 no testimony, there is no evidence anywhere that
15 any ID was presented to anybody.

16 CHAIRPERSON MILLER: As opposed to
17 they looked at it and misread it?

18 MR. RIVERO: Correct. Because then if
19 -- in those situations, we could have a back and
20 forth either a legal argument or a presentation
21 of contradictory evidence as to whether that
22 looking and handing back and forth was reasonable

1 or not reasonable.

2 Evidence relevant to that situation
3 would have to do with what the ID in question
4 looked like. What was the Investigator's
5 training that determined that the ID was not
6 valid? None of that is at issue here.

7 CHAIRPERSON MILLER: Okay. Thank you.
8 All right.

9 MEMBER SHORT: Madam Chair?

10 CHAIRPERSON MILLER: Yes?

11 MEMBER SHORT: Mr. Rivero, thank you
12 very, very much for that. That question comes up
13 time and time again and I think you made it very
14 plain that if a person doesn't present or even is
15 asked to present, then that's 781.

16 783 is then selling to a person. So
17 the two charges are --

18 CHAIRPERSON MILLER: That's not really
19 what he said, but --

20 MR. RIVERO: Well, no.

21 MEMBER SHORT: I wanted to clarify
22 that.

1 CHAIRPERSON MILLER: Yes. Okay.

2 MEMBER SHORT: Thank you. Thank you.

3 MR. RIVERO: Okay. Well, what I had
4 indicated, the sales is 781.

5 CHAIRPERSON MILLER: That's clear.

6 MR. RIVERO: 783 when is it
7 appropriate to determine that reasonable steps
8 were taken is when you don't even show an ID.
9 Ipso facto, it can't be reasonable to sell to
10 somebody. They don't have the ID. And it turns
11 out later that that person was underage.

12 MEMBER SHORT: Thank you. That --

13 CHAIRPERSON MILLER: Okay.

14 MEMBER SHORT: I'm glad that is on the
15 record.

16 CHAIRPERSON MILLER: That is. But I
17 would just say that's Mr. Rivero's take on it.

18 MR. RIVERO: That's the Government's
19 argument.

20 CHAIRPERSON MILLER: That's his
21 argument on it.

22 MEMBER SHORT: Yes.

1 CHAIRPERSON MILLER: Yes.

2 MEMBER SHORT: Thank you.

3 CHAIRPERSON MILLER: Okay. And I
4 appreciate that. Okay. Now, do you all have a
5 closing? Some closing statements?

6 MR. CHUN: Yes. I have a closing. I
7 want to talk to one more thing. I'm not sell
8 minor until this old statement speak to the
9 Investigator talk to them, but he didn't convince
10 date of birth of the purchase minor. I didn't
11 see so far. So until I see his ID on the minor
12 make sure, until I'm not sell to minor. I didn't
13 sell to minor, but he didn't convince me. He
14 didn't show minor's ID to me.

15 So he just check outside of my store,
16 so who they are? I don't know.

17 CHAIRPERSON MILLER: Okay.

18 MR. CHUN: Who they are and where they
19 come from? And now everything is -- Inspector
20 speak to the person to -- at this time everything
21 we talk about him, but if I sell the person who
22 are the minor, I have to see actually his

1 license. And I make sure date of birth. Then I
2 see that it's minor. I recognize I sell to
3 minor, but he didn't do that.

4 CHAIRPERSON MILLER: Okay.

5 MR. YI: And I mean, I don't want you
6 guys to think that we don't check IDs at all. We
7 know we are right next to a university. I have
8 had four officers offer to write letters saying
9 that we always check ID. W have officers there
10 all the time.

11 And then that's another thing, while--
12 I mean, I don't know where it said that we are a
13 store didn't check ID. We -- it gets to the
14 point where we lost customers because we were
15 constantly checking IDs. They say, you know, we
16 are always here, why do you keep checking our
17 IDs?

18 CHAIRPERSON MILLER: Okay. This is
19 closing. This is just a wrap-up.

20 MR. YI: Oh, okay, okay. Yes, I mean,
21 that's what I'm saying like, you know, we check
22 IDs.

1 CHAIRPERSON MILLER: Okay. Okay. We
2 hear you.

3 MR. RIVERO: I recognize the licensee
4 is an unrepresented party. I just want the
5 record to reflect that I believe closing argument
6 did include testimony as well.

7 CHAIRPERSON MILLER: Okay. That has
8 happened sometimes, yes, okay. All right. I
9 think that that then concludes the case. I'm
10 going to close the record, at this time. We are
11 not going to take any more evidence.

12 Do the parties wish to file proposed
13 findings of fact and conclusions of law or waive
14 their right to do so?

15 MR. RIVERO: The Government waives.

16 CHAIRPERSON MILLER: Okay. But you
17 could file written findings and conclusions,
18 based on the record in this case, as shown in the
19 transcript. The Government is waiving its right
20 to do so. Do you also waive your right to do so?

21 MR. YI: I'm sorry, what was that?

22 CHAIRPERSON MILLER: It's a right

1 provided under the law that most parties don't
2 avail themselves of. You could. After the
3 hearing in a few weeks there is a transcript.
4 You could then submit a written document of legal
5 arguments and evidence you want the Board to
6 find, findings of facts and conclusions of law.

7 You could not add any more evidence
8 into the record.

9 MR. YI: Okay.

10 CHAIRPERSON MILLER: Most parties
11 don't do it. It's just --

12 MR. CHUN: Yes, we do.

13 CHAIRPERSON MILLER: What?

14 MR. CHUN: We do.

15 CHAIRPERSON MILLER: You want to do
16 that?

17 MR. YI: Waive, waive.

18 MR. CHUN: No.

19 CHAIRPERSON MILLER: Waive. Okay.
20 Good. Okay. So both parties waive their right
21 to do so.

22 So the Board will then deliberate on

1 this in Executive Session and will issue an order
2 within 90 days.

3 Okay. I'm just going to read the --
4 take a vote for that.

5 As Chairperson of the Alcoholic
6 Beverage Control Board for the District of
7 Columbia and in accordance with DC Official Code
8 Section 2-574(b) of the Open Meetings Act, I move
9 that the ABC Board hold a closed meeting for the
10 purpose of seeking legal advice from our counsel.
11 on Case No. 15-CC-00005, Michigan Liquors,
12 pursuant to DC Official Code Section 2-574(b)(4)
13 of the Open Meetings Act and deliberating upon
14 this case for the reasons cited in DC Official
15 Code Section 2-574(b)(13) of the Open Meetings
16 Act.

17 Is there a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 6-0-0.

4 I hereby give notice that the ABC
5 Board will hold this aforementioned meeting in
6 the ABC Board conference room pursuant to 2-
7 574(b) of the Open Meetings Act. And we will
8 issue a written decision within 90 days.

9 Thank you very much.

10 MR. RIVERO: Thank you.

11 MR. CHUN: Thank you very much.

12 MR. YI: Thank you.

13 INTERPRETER YANG: Madam Chair, may
14 this Interpreter be excused now?

15 CHAIRPERSON MILLER: Yes, thank you
16 very much.

17 INTERPRETER YANG: Thank you very
18 much.

19 MEMBER RODRIGUEZ: Thank you.

20 (Whereupon, the Show Cause Hearing in
21 the above-entitled matter was concluded at 11:43
22 a.m.)

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